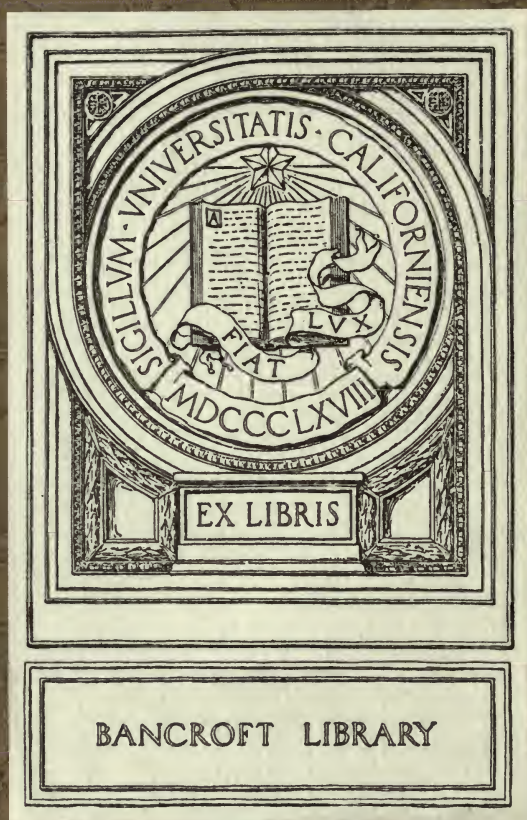


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GOVERNOR'S MESSAGE

ON THE

Colorado River Compact

AND

Certified Copy of the
Colorado River Compact

Arizona Governor, 1912-16 (Hunt)



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MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE
SENATE AND HOUSE OF REPRESENTATIVES
OF THE SIXTH LEGISLATURE:

In laying before you the official copy of the compact between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming and between the United States of America respecting the use and distribution of the water of the Colorado River and the rights of said states and the United States thereto, I place in your hands the future destiny of the State of Arizona.

In the negotiation of the compact the State of Arizona was represented on the joint commission by Mr. W. S. Norviel, State Water Commissioner, who was appointed to represent Arizona by Governor Thomas E. Campbell, acting under the authority of chapter 46, Senate Bill 64, of the session laws of 1921, which reads as follows:

"AN ACT

Providing for the appointment of a Representative on Behalf of the State of Arizona to Negotiate a Compact and Agreement Between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and Between Said States and the United States of America Respecting the Use and Distribution of the Waters of the Colorado River and the Rights of Said States and the United States Thereto, and Making an Appropriation Therefor.

BE IT ENACTED BY THE LEGISLATURE OF
THE STATE OF ARIZONA:

Section 1. The Governor of Arizona shall appoint the State Water Commissioner, who shall serve without additional compensation, as the representative of the State of Arizona, who shall be duly authorized to represent the State of Arizona on a joint Commission to be composed of a representative of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and a duly authorized representative of the United States of America, such Commission to be constituted for the purpose of negotiating and entering into a compact or agree-

ment between the said States, and between said States and the United States, with the consent of Congress, respecting the further utilization and disposition of the waters of the Colorado River and the streams tributary thereto, and fixing and determining the rights of the said States and the rights of the United States in and to the use and disposition of the waters of said stream and the benefits to be derived therefrom, provided, however, that any compact or agreement so entered into by said States and the United States shall not be binding or obligatory upon any of the high contracting parties thereto unless and until the same shall have been ratified and approved by the Legislature of the said States and by the Congress of the United States.

Section 2. The Governor of Arizona shall notify the respective Governors of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming, of the appointment of the representative of Arizona as soon as said representative shall have been appointed and qualified, but said representative shall not enter upon the performance of his duties until a representative to serve upon said Joint Commission shall have been named and qualified for each of the said States named in Section 1 hereof, provided however, that said representative shall proceed immediately after the passage of this Act and its approval by the Governor, in carrying out the provisions of Section 3 hereof as pertains to the Colorado River within the boundaries of the State of Arizona, and that the securing of the necessary data and information called for by this Act shall not be contingent upon appointment and qualification of the representatives of the other States concerned or the representative of the United States of America.

Section 3. Said representative of the State of Arizona shall have full authority to make or cause to be made any and all investigations of the Colorado River and the drainage area thereof, which may become necessary in order to sufficiently advise said representative of the physical conditions obtaining upon said stream and the drainage area thereof, and of the present and future needs of the State of Arizona and its citizens in the use and

benefit of the waters of said stream. To that end, said representative shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties and gather such data as may be necessary to sufficiently apprise said representative of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the State of Arizona upon said joint Commission.

Section 4. For the purpose of carrying out the provisions of this Act, including the payment of an equitable portion of the cost and expenses of said joint Commission, there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Twenty-five Thousand Dollars (\$25,000.00) or so much thereof as may be necessary, for the purposes herein provided. Said appropriation may be used within or without the State of Arizona. The said representative shall employ such clerical and technical assistants as may be deemed necessary to accomplish the objects of this Act. The compensation of the necessary assistants, together with all traveling expenses, and all other costs, charges and necessary expenditures hereunder, shall be paid semimonthly upon vouchers approved by the State Water Commissioner and warrants drawn for the payment thereof by the State Auditor in the ordinary manner upon the State Treasurer.

Section 5. The State Legislature finds, determines and hereby declares that this Act and each and every sentence, phrase and clause thereof is necessary for the immediate preservation of the public peace, health and safety of the State, and that an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor, and shall be exempt from the operation of the referendum provisions of the State Constitution of the State of Arizona.

Section 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 5th, 1921."

Under the provisions of the foregoing law the duties of the Governor are solely ministerial and the compact, if it is to become effective, must be approved by the Legislature.

It is doubtful if any other question will ever arise in Arizona which will mean more to the people and have a greater influence on the development of the State than your action on this proposed compact.

As a citizen of Arizona, and as Governor of the State, I adjure you to study its provisions carefully. Your decision concerning this measure will be scrutinized and studied by the present generation of our people and by posterity.

The deplorable lack of adequate and reliable information in connection with the potential acreage in Arizona which might be irrigated from the waters of the Colorado River adds to your difficulty in determining the wisest and best course for Arizona to adopt in connection with the proposed pact.

A survey is now being made on the Colorado River under the direction of the United States Geological Survey. In a letter under date of January 15th, Mr. Larue informed me that his report would not be ready for publication before July 1st of this year.

The importance of this question, and the fact that the future development of this State largely depends upon the application of the water and power of the Colorado River, suggests the necessity of the Legislature taking such time as may be necessary to secure accurate and adequate information to enable you, as the representatives of the people of Arizona, to act wisely upon this most important subject.

I desire to repeat what I said in my message to the Legislature that "this subject is bigger than political parties; it is bigger than statesmen; it is bigger than any man or the ambitions of any man; it is a question of what is the best thing to do for Arizona and the States of the Colorado Basin, for America, and for the peace of the world."

It is my desire to be helpful to you as the representative of the people of Arizona in determining the best course for the State in this matter. Such information as I have been able to assemble in the short period of time at my command is available for your use, and such facilities as the Governor's office may possess for securing additional data will be placed at your disposal.

If you find that the limited information, data and statistics available for your use is insufficient to justify the

State of Arizona entering into this compact at present, I recommend that you make suitable provisions to secure the data necessary for the information of the people of Arizona in order that the interest of our State may be conserved.

Accompanying this message I herewith place in your hands a certified copy of the Colorado River Compact for such action as you may deem prudent. **Bancroft Library**

UNITED STATES OF AMERICA,)
STATE OF ARIZONA,) ss.
)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of Arizona Done at Phoenix, the Capital, this 19th day of January, A. D. 1923.

JAMES H. KERBY
Secretary of State.

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

I CERTIFY That the document hereunto annexed is a true copy from the original in the archives of this Department.

(Colorado River Compact signed November 24th, 1922, at the City of Santa Fe, New Mexico.)

IN TESTIMONY WHEREOF, I, Charles E. Hughes Secretary of State, have hereunto caused the Seal of the Department of State to be affixed and my name subscribed by the Chief Clerk of the said Department, in the District of Columbia, this 15th day of December, 1922.

(Signed) Charles E. Hughes
Secretary of State.

(Signed) By Ben G. Davis
Chief Clerk.

Colorado River Compact

The States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, having resolved to enter into a compact under the Act of the Congress of the United States of America approved August 19, 1921 (42 Statutes at Large, Page 171) and the Acts of the Legislatures of the said States, have through their Governors appointed as their Commissioners:

W. S. Norviel.....for the State of Arizona
W. F. McClure.....for the State of California
Delph E. Carpenter.....for the State of Colorado
J. G. Scrugham.....for the State of Nevada
Stephen B. Davis, Jr.....for the State of New Mexico
R. E. Caldwell.....for the State of Utah
Frank C. Emerson.....for the State of Wyoming
who, after negotiations participated in by Herbert Hoover appointed by The President as the representative of the United States of America, have agreed upon the following articles:

ARTICLE I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies; and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its water and the protection of life and property from floods. To these ends the Colorado River Basin is divided into two Basins, and an apportionment of the use of part of the water of the Colorado River System is made to each of them with the provision that further equitable apportionments may be made.

ARTICLE II

As used in this compact:—

(a) The term "Colorado River System" means that portion of the Colorado River and its tributaries within the United States of America.

(b) The term "Colorado River Basin" means all of the drainage area of the Colorado River System and all other territory within the United States of America to which the waters of the Colorado River System shall be beneficially applied.

(c) The term "States of the Upper Division" means the States of Colorado, New Mexico, Utah and Wyoming.

(d) The term "States of the Lower Division" means the States of Arizona, California and Nevada.

(e) The term "Lee Ferry" means a point in the main stream of the Colorado River one mile below the mouth of the Paria River.

(f) The term "Upper Basin" means those parts of the States of Arizona, Colorado, New Mexico, Utah and Wyoming within and from

which waters naturally drain into the Colorado River System above Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the System above Lee Ferry.

(g) The term "Lower Basin" means those parts of the States of Arizona, California, Nevada, New Mexico and Utah within and from which waters naturally drain into the Colorado River System below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the System below Lee Ferry.

(h) The term "domestic use" shall include the use of water for household, stock, municipal, mining, milling, industrial and other like purposes, but shall exclude the generation of electrical power.

ARTICLE III

(a) There is hereby apportioned from the Colorado River System in perpetuity to the Upper Basin and the Lower Basin respectively the exclusive beneficial consumptive use of 7,500,000 acre feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

(b) In addition to the apportionment in paragraph (a), the Lower Basin is hereby given the right to increase its beneficial consumptive use of such waters by one million acre feet per annum.

(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River System, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then, the burden of such deficiency shall be equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

(d) The States of the Upper Division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of October next succeeding the ratification of this compact.

(e) The States of the Upper Division shall not withhold water, and the States of the Lower Division shall not require the delivery of water, which cannot reasonably be applied to domestic and agricultural uses:

(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River System unapportioned by paragraphs (a), (b) and (c) may be made in the manner provided in paragraph (g) at any time after October first, 1963, if and when either Basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their

Governors, may give joint notice of such desire to the Governors of the other signatory States and to the President of the United States of America, and it shall be the duty of the Governors of the signatory States and of The President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the Upper Basin and Lower Basin the beneficial use of the unapportioned water of the Colorado River System as mentioned in paragraph (f) subject to the legislative ratification of the signatory States and the Congress of the United States of America.

ARTICLE IV

(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its Basin, the use of its waters for purposes of navigation shall be subservient to the uses of such water for domestic, agricultural and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

(b) Subject to the provisions of this compact, water of the Colorado River System may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use and distribution of water.

ARTICLE V

The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey shall cooperate, ex-officio:

(a) To promote the systematic determination and co-ordination of the facts as to flow, appropriation, consumption and use of water in the Colorado River Basin, and the interchange of available information in such matters.

(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lee Ferry.

(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

ARTICLE VI

Should any claim or controversy arise between any two or more of the signatory States: (a) with respect to the waters of the Colorado River System not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact of the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States, or to be

constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State; the Governors of the States affected, upon the request of one of them shall forthwith appoint Commissioners with power to consider and adjust such claim or controversy, subject to ratification by the Legislatures of the States so affected.

Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested States.

ARTICLE VII

Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

ARTICLE VIII

Present perfected rights to the beneficial use of waters of the Colorado River System are unimpaired by this compact. Whenever storage capacity of 5,000,000 acre feet shall have been provided on the main Colorado River within or for the benefit of the Lower Basin, then claims of such rights, if any, by appropriators or users of water in the Lower Basin against appropriators or users of water in the Upper Basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

All other rights to beneficial use of waters of the Colorado River System shall be satisfied solely from the water apportioned to that Basin in which they are situate.

ARTICLE IX

Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

ARTICLE X

This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

ARTICLE XI

This compact shall become binding and obligatory when it shall have been approved by the Legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the Legislatures shall be given by the Governor of each signatory State, to the Governors of the other signatory States and to the President of the United States, and the President of the United States is requested to give notice to the Governors of the signatory States of approval by the Congress of the United States.

IN WITNESS WHEREOF, The Commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

DONE at the City of Santa Fe, New Mexico, this twenty-fourth day of November, A. D. One Thousand Nine Hundred and Twenty-two.

(Signed) W. S. Norviel
(Signed) W. F. McClure
(Signed) Delph E. Carpenter
(Signed) J. G. Scrugham
(Signed) Stephen B. Davis, Jr.
(Signed) R. E. Caldwell
(Signed) Frank C. Emerson

APPROVED:

(Signed) Herbert Hoover.

